

DRAFT NEGATIVE DECLARATION

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

NAME OF PROJECT: City of Fremont Renewable Energy Ordinance

PROJECT NO.: PLN2012-00145

DESCRIPTION OF PROJECT: The project involves a City-initiated Zoning Text Amendment to amend current regulations for solar and wind energy systems to adopt a new Renewable Energy Ordinance to encourage and regulate the installation of private solar and wind renewable energy systems as accessory uses for on-site production and consumption. This includes procedural regulations and standards for the placement and design of such systems on private property that addresses the public health, safety and aesthetic quality of the City as set forth through the goals and policies of the General Plan.

The Renewable Energy Ordinance anticipates facilitating the development of personal solar energy systems and wind energy systems. Wind Farms for the purpose of producing electricity for off-site use is already regulated by the current Zoning Code. Solar energy systems are largely governed by State law and would include the placement and use of photovoltaic solar panels on private property for electricity generation. The ordinance assumes one solar energy system per lot or parcel. Typically, solar panels are placed on a rooftop and extend 12 to 18 inches about the surface of the roof. In some cases solar panels may be configured on a ground mounted array tilted or angled in the direction of the sun. Solar arrays are typically built on frames or accessory structures that extend approximately 4 to 10 feet off the ground but in some cases may be permitted as high as 24 feet, in parking lots for example. Solar arrays would be an allowable use within parking lots in lieu of parking lot landscaping.

Wind energy systems anticipated by this ordinance include both roof mounted and ground mounted small wind turbines with blade diameters in the 5 to 25 foot range. This is a reduction from the current standard which allows up to a 35 foot diameter. Roof mounted turbines are mounted to the roof of a structure and generally have blade diameters of 5 to 7 feet. Roof mounted wind turbines not more than 10 feet above the structure roof line with a turbine diameter of 5 feet or less and not located on a Fremont Register Resource (Historic Resource) would be a permitted accessory use. Ground mounted wind turbines would generally have blade diameters in 10 to 20 foot range. Ground mounted wind turbines not more than 40 feet in height on commercial and industrial properties would also be considered a permitted accessory use. Roof or ground mounted wind turbines that exceed these limits would require discretionary review. All renewable energy systems would be subject to site plan and architectural review and be subject to additional standards applicable to accessory uses.

The ordinance is intended to allow one wind turbine on residential parcels less than 20,000 square feet and on commercial parcels located in the City or Town Centers. Two wind turbines would be allowed on parcels greater than 20,000 and other commercial parcels. There is no limit on the number of turbines on parcels greater than one acre in size, or parcels designated as public facility or industrial. Ground mounted wind turbines would be allowed up to 60 feet in height on parcels less than one acre or any size parcel located above the Toe of the Hill (TOH). The current ordinance also allows heights up to 60 feet in residentially designated areas. Ground mounted turbines up to 90 feet high would be allowed for all other parcels which is a reduction of the current maximum height of 100 feet. Ground mounted vertical axis wind turbines less than 40 feet in height and below the TOH would be a permitted accessory use. All other ground mounted wind turbines would be subject to individual discretionary review of a conditional use permit or zoning administrator permit.

LOCATION OF PROJECT: City of Fremont, Citywide

GEOGRAPHIC LOCATION WITHIN CITY: Citywide

NAME OF AUTHORIZED AGENT OF APPLICANT: Scott Ruhland, Associate Planner, City of Fremont

MAILING ADDRESS OF APPLICANT OR AGENT: 39550 Liberty Street, Fremont, CA 94537

TYPE OF ENTITLEMENT SOUGHT: Zoning Ordinance Amendment

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this project will not have a significant effect on the environment.

The proposed project involves the adoption of a new ordinance related to private renewable energy systems. The project is consistent with the General Plan and fosters goals of sustainability, reduced dependence on non-renewable energy sources and reduction of greenhouse gas emissions. The project location includes the City of Fremont, an urban area framed by East Bay Hills to the east and Baylands to the west. Adoption of this ordinance will not displace, destroy, or remove significant natural vegetation, wildlife, or natural resources. The project is in conformance with City codes and policies, as well as with other responsible agency regulations.

Public Hearing: The Planning Commission is tentatively scheduled to consider the project at its February 23, 2012 meeting and the City Council will consider the item at a subsequent meeting to be determined. Planning Commission and City Council meetings are held in the City Council Chambers at 3300 Capitol Avenue. All environmental documents are available for review at 39550 Liberty Street, Fremont.

Any comments as to whether the draft negative declaration should become final or whether an EIR should be prepared for the project must be submitted within 20 days of the posting of this draft negative declaration. **The comment period begins February 2 and ends February 22, 2012.**

If this draft negative declaration becomes final by any approval agency other than the City Council, any person who wishes to protest such final action must do so within ten days of the date it becomes final by the filing of a written protest with the City Clerk and by payment of the required protest fee. If this draft declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

Posted within the Development Services Center on February 2, 2012.

Notice of Determination to be sent to:

<input checked="" type="checkbox"/>	Posting of Notice	<input checked="" type="checkbox"/>	County Clerk
<input type="checkbox"/>	Mailed to owners of contiguous property	<input type="checkbox"/>	Clearinghouse
<input checked="" type="checkbox"/>	Publish notice		

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Scott Ruhland	Associate Planner	510-494-4453
NAME	TITLE	PHONE NUMBER